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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/737,322	12/16/2003	Jaime Marcelo Narea Munoz	030358	5941

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KIRKPATRICK & LOCKHART PRESTON GATES ELLIS LLP  
535 SMITHFIELD STREET  
PITTSBURGH, PA 15222

EXAMINER

DANNEMAN, PAUL

ART UNIT	PAPER NUMBER
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3627

MAIL DATE	DELIVERY MODE
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09/24/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/737,322

Applicant(s)

MUNOZ ET AL.

Examiner

Paul Danneman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All. b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### Status of Claims

1. This action is in response to the application filed on 16 December 2003.
2. Claims 1-20 have been examined.

### Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
  2. Ascertaining the differences between the prior art and the claims at issue.
  3. Resolving the level of ordinary skill in the pertinent art.
  4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
4. **Claims 1-20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Morrill, Jr., US 5,991,749 henceforth known as Morrill.

**Examiner's note:** Examiner has pointed out particular references contained in the prior art of record in the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully

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the **entire** reference as potentially teaching all or part of the claimed invention, as well as the content of the passage as taught by the prior art or disclosed by the Examiner.

**Claims 1, 15 and 19:**

With regard to the following limitations:

- ***An account management server operating on a plurality of user accounts.***
- ***Account manager can transfer account balances between accounts.***

Morrill does not specifically use the term account management server. However, Morrill in at least Column 1, lines 30-40, and Column 2, lines 18-31 discloses a method used to transfer funds between different accounts including the steps of expanding the function of a service provider's central processing unit to include account and authorization information entered from a cellular phone or other wireless communication device. Therefore, it would be obvious, at the time of the invention, to a person of ordinary skill in the art to determine that the service provider's central processing unit disclosed in Morrill is functionally equivalent to applicant's account management server.

**Claim 2:**

With regard to the further limitation of Claim 1:

- ***Account user information comprises a plurality of shared users.***

Morrill in at least Column 4, lines 1-5 and lines 13-15 discloses a service agreement between a cell phone service provider and a customer allowing account access from other cell phones and the transfer of funds between mobile phone accounts. Therefore, it would be obvious, at the time of the invention, to a person of ordinary skill in the art to determine that Morrill's invention encompasses a plurality of shared users.

**Claims 3-9:**

With regard to the further limitations:

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- ***Account balance comprises a total balance.***
- ***Account balance comprises a plurality of balance for different account services.***
- ***Account balance comprises the financial equivalent of communication time.***
- ***Account manager server tracks usage, debits and credits to accounts.***

Morrill in at least Column 3, lines 2-35 disclose debits and credits being reflected on a user's phone bill and optionally being reflected on a user's bank, credit account with only phone usage or transaction charges appearing on the mobile phone statement. Morrill in at least Column 4, lines 16-20 further discloses that a user's mobile phone account may have a pre-paid account. Therefore, it would be obvious, at the time of the invention, to a person of ordinary skill in the art to determine that Morrill's invention encompasses all the limitations of applicant's invention regarding accounts and account balances.

**Claims 10-13, and 16-18:**

With regard to the further limitations:

- ***Account has account authorization via password via keypad input, voice or system recognition.***
- ***Authorization is performed over-the-air.***

Morrill in at least Column 1, lines 41-44 and lines 48-58 discloses a personal identification number or other method to verify identity and authorize access to a secured location by entering the entering the user's identity via a wireless communication device's keypad. Therefore, it would be obvious, at the time of the invention, to a person of ordinary skill in the art to determine that Morrill's invention encompasses all the limitations of applicant's invention regarding authorized access to an account.

**Claim 14:**

With regard to the further limitation of Claim 10:

- ***A transaction point allowing users to manage various accounts.***

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Morrill in at least Column 2, lines 18-31 discloses a cellular phone or other wireless communication device being coupled to a service provider's cell antenna and then via landline to a CPU (central processing unit) to conduct transactions between various accounts. Therefore, it would be obvious, at the time of the invention, to a person of ordinary skill in the art to determine that Morrill's invention encompasses all the limitations of applicant's invention regarding users accessing various accounts.

**Claim 20:**

With regard to the further limitation:

- ***Computer readable medium comprises at least one disk, a device, and a propagated signal.***

Morrill in at least Column 1, lines 30-40 discloses a cellular phone or other wireless communication device sending function code to a central processing unit, which determines the accounts involved in a transaction, and confirming the completion of the transaction. Therefore, it would be obvious, at the time of the invention, to a person of ordinary skill in the art to determine that Morrill's invention encompasses all the limitations of applicant's invention regarding users accessing various accounts via a wireless device.

**Conclusion**

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Danneman whose telephone number is 571-270-1863. The examiner can normally be reached on Mon-Thurs 6 AM to 5 PM.

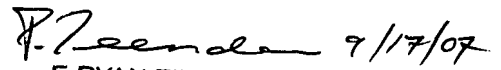
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Florian Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Paul Danneman  
Patent Examiner  
GAU 3627  
17 September 2007



F. RYAN ZEENDER  
SUPERVISORY PATENT EXAMINER